

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

NOVEMBER 1, 2007

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Dyer called the meeting to order at 9:00 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

Board Members Present:

David Dyer, D.C., Chairman
John Bernzott, D.C.
Marian Klaes-Lanham, D.C.
David Frischman, D.C.
David Davis, D.C.

Board Members Absent:

Michael Riley, Consumer Member
Charles Cochran, D.C., Vice Chair

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE JULY 12, 2007 MEETING OF THE BOARD AND REVIEW OF THE MINUTES OF SEPTEMBER 6, 2007 AND OCTOBER 4, 2007

A motion was made and seconded to adopt the minutes, as presented, from the July 12, 2007 meeting of the Board.

FRISCHMAN/DAVIS
Motion carried 5-0-0

IV. APPEARANCES

A. PROBATIONARY

There were no scheduled probationary appearances

B. RENEWAL

There were no scheduled renewal appearances

C. APPLICATION

1. John Andrew Dominique, D.C.

Dr. Dominique appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Dominique has successfully completed the law examination. Dr. Dominique is a 2007 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Dominique holds a license in Ohio.

Board Action: A motion was made and seconded to grant Dr. Dominique chiropractic licensure.

FRISCHMAN/DAVIS
Motion carried 5-0-0

2. Kathy Mae Edgington, D.C.

Dr. Edgington appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Edgington has successfully completed the law examination. Dr. Edgington is a 1994 graduate of Life Chiropractic College West and has taken and passed National Boards Parts I, II, III, Physiotherapy and a SPEC examination in August 2007. Dr. Edgington took a state constructed examination in Ohio, where she holds a current license, which is accepted in lieu of NBCE Part IV. On her application Dr. Edgington answered "yes" to question 2, "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?" Dr. Edgington explained the Ohio Chiropractic Board reprimanded her license in 2000 due to a "bad check" conviction. She stated she was working and taking care of five children and for a time was unaware a \$35.00 check had bounced. She went to court and handled the matter and the conviction was expunged after two years. Dr. Edgington holds a license in Utah, Ohio, and California.

Board Action: A motion was made and seconded to grant Dr. Edgington chiropractic licensure.

FRISCHMAN/DAVIS
Motion carried 5-0-0

3. Jason Lopez Gener, D.C.

Dr. Gener appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Gener has successfully completed the law examination. Dr. Gener is a 2007 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Gener does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Gener chiropractic licensure.

DAVIS/FRISCHMAN
Motion carried 5-0-0

4. Hillary Ella Hushower, D.C.

Dr. Hushower appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Hushower has successfully completed the law examination. Dr. Hushower is a 2007 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Hushower does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Hushower chiropractic licensure.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

5. Dana Cement O'Neil, D.C.

Dr. O'Neil appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. O'Neil has successfully completed the law examination. Dr. O'Neil is a 1984 graduate of Texas Chiropractic College and has taken and passed National Boards Parts I, II, and Physiotherapy. Dr. O'Neil took a state constructed examination in Kentucky, where he holds a current license, in lieu of NBCE Part IV. On his application he answered "yes" to question 6, "Have you ever had a malpractice judgment against you or settled any malpractice action?" Dr. O'Neil explained to the Board's satisfaction two malpractice settlements he has had and the circumstances surrounding the treatment of his patients.

Board Action: A motion was made and seconded to grant Dr. O'Neil chiropractic licensure.

BERNZOTT/DAVIS
Motion carried 5-0-0

6. Philip Anthony Paolucci, D.C.

Dr. Paolucci appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Paolucci has successfully completed the law examination. Dr. Paolucci is a 1978 graduate of National College of Chiropractic and has taken and passed National Boards Parts I, II, and physiotherapy. Dr. Paolucci submitted scores from a state constructed examination in Colorado, where he holds a current license, which are accepted in lieu of NBCE Part IV. On his application he answered "yes" to question 6, "Have you ever had a malpractice judgment against you or settled any malpractice action?" Dr. Paolucci explained he was sued by a patient for failing to diagnose rheumatic fever. He stated he saw this patient twice and only her family physician felt she had rheumatic fever. Dr. Paolucci explained other doctors that reviewed the case did not believe she had rheumatic fever. Dr. Paolucci ultimately agreed to settle the matter instead of going through a lengthy litigation process.

Board Action: A motion was made and seconded to grant Dr. Paolucci chiropractic licensure.

KLAES-LANHAM/BERNZOTT
Motion carried 5-0-0

7. Raysha Renee Rashidian, D.C.

Dr. Rashidian's law examination and personal appearance will be rescheduled for the January 10, 2008 meeting.

8. Shalini Barkat, D.C.

Dr. Barkat appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Barkat has successfully completed the law examination. Dr. Barkat is a 2007 graduate of Texas Chiropractic College and has taken and passed National Boards Parts I, II, III, IV, and physiotherapy. Dr. Barkat does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Barkat chiropractic licensure.

FRISCHMAN/DAVIS
Motion carried 5-0-0

V. ADMINISTRATIVE HEARING

A. State of Indiana v. Wei Chen Yang, D.C., License No. 08001810A

Administrative Cause No. 2007 IBCE 0001

Re: Petition for Reinstatement of License

Parties and Counsel Present:

Respondent was present and was represented by Counsel J. Richard Kiefer
Shelley Johnson, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Board Members:

Dr. Dyer (Hearing Officer)
Dr. Klaes-Lanham
Dr. Bernzott
Dr. Davis
Dr. Frischman

Case Summary: Dr. Yang requested reinstatement of her license to practice chiropractic. Her license is currently under an indefinite suspension. Mr. Kiefer told the Board that the Respondent is in full compliance with her federal probation order and has not practiced chiropractic since her license was suspended in July 2007. He stated the Respondent has patients who are anxious for her return to practice. Mr. Kiefer requests that her license be reinstated subject to the settlement agreement. Respondent testified she has already begun to meet the continuing education requirements specified in the order having already attended three (3) seminars, one of which was about billing and coding. Respondent stated she has to practice as a "cash only" business as a requirement of her federal probation order but will use an outside billing service when she is able to accept insurance patients again. The State did not oppose the Respondent's request.

Board Action: A motion was made and seconded to reinstate the Respondent's license on Indefinite Probation for a period of three (3) years subject to the following terms and conditions:

1. The Respondent's license is placed on indefinite probation. The Respondent may request to have probation withdrawn after a period of three (3) years from the date of this order.
2. The Respondent shall at all times keep the Board apprised of her home address, mailing address and residential telephone number.

3. The Respondent shall at all times keep the Board apprised of her place of employment, employment telephone number, and name of her employment supervisor.
4. The Respondent shall at all times keep the Board informed of her occupation, title and work schedule, including the number of hours worked.
5. Respondent shall utilize an outside billing service for all non-cash payments for the duration of the probationary order.
6. The Respondent and pertinent staff shall take a coding seminar during the first six (6) months of the probationary period and provide proof of the same to the Indiana Professional Licensing Agency.
7. The Respondent shall make personal appearances before the Board on a quarterly basis.
8. The Respondent shall present at her probationary appearances an affidavit attesting to the fact that she is in full compliance with both her federal probation and the probationary order of the Board.
9. The Respondent shall complete fifteen (15) hours of continuing education at her own expense in the area of billing practices during the first year of probation. These continuing education units shall be in addition to the continuing education units required for maintaining her license in the State of Indiana. Proof of completion of the fifteen (15) hours of continuing education shall be submitted to the Board in care of the Indiana Professional Licensing Agency.
10. The Respondent shall perform four (4) hours of community service for each month of probation. Respondent shall submit proof of completion of community service to the Board in writing on a quarterly basis.
11. The Respondent shall comply with the terms and conditions of her federal probation during the probationary term of her license.
12. Failure to comply with the requirements of probation or the statutes and regulations governing the practice of chiropractic medicine may subject the Respondent to a show cause hearing before the Board and the imposition of further sanctions, including the emergency suspension of her license.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There was no notice of proposed defaults before the Board.

VIII. OLD/NEW BUSINESS

There was no old/new business to discuss.

IX. DISCUSSION

- A. **David Allen Murdock, D.C.**
Re: Request for Renewal of Licensure

Dr. Murdock's license has been expired since July 1, 2000. He has submitted the renewal, \$200 renewal fee, and proof of completion of seventy-two (72) hours of continuing education. Dr. Murdock meets the requirements necessary for renewal of his chiropractic license. After review, the Board requested that Dr. Murdock appear at the next meeting and be required to sit for the law examination prior to the meeting.

B. James Dean Cory, D.C.

Re: Request to Reinstate License

Dr. Cory wrote a letter to the Board in December 2006 asking to voluntarily surrender his license since he no longer practices chiropractic. The Board accepted the surrender at the January 2007 meeting. Dr. Cory submitted a letter of request for reinstatement of license for review by the Board. Dr. Cory state that there have been several changed circumstances in his life since the surrender of licensure and he is now seeking reinstatement. The Board requested that Dr. Cory be scheduled to personally appear at the January 10, 2008. He would be required to submit copies of continuing education he has attended and retake and pass the law examination prior to consideration of reinstatement.

X. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications to review.

B. Examination Applications

There were no examination applications to review.

C. Temporary Permits

There were no temporary permits to review

D. Professional Corporation Applications

There were no Professional Corporation applications to review

XI. PROBATIONARY REPORT

There were no probationary reports given.

XII. CONTINUING EDUCATION

There was no continuing education to review.

XIII. REPORTS

A. Indiana State Chiropractic Association

Pat McGuffey informed the Board she will be attending the Congress of State Chiropractic Associations to be held in Tennessee and get information about what other states are doing. Ms. McGuffey is now the executive director of the ISCA and reported that the fall conference was very good.

B. International Chiropractic Association of Indiana

There was no report given by a representative of ICAI.

C. Consumer Complaints

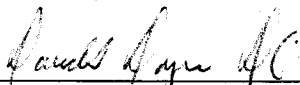
Dr. Bernzott did not give a report concerning consumer complaints.

D. Continuing Education

There were no programs that needed to be reviewed and approved by the Board.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 11:00 a.m.



David Dyer, D.C. - Chairman

1.10.05

Date